



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

November 20, 2017

Dorine Martirosian
City of Glendale
613 E. Broadway, Suite 220
Glendale, CA 91206-4394

Via email ONLY:
DMartirosian@glendaleca.gov

RE: Advisory Letter: City of Glendale; FPPC No. 16/441

Dear Ms. Martirosian:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ This letter is in response to a sworn complaint alleging that your client, the City of Glendale (the "City"), sent several campaign related mailers and inserts regarding Measure N at public expense in April and May 2016, in violation of Section 89001. An examination of those items led to the Enforcement Division's decision to close its file on this matter without prosecution.

The Act prohibits sending newsletter or other mass mailing at public expense if the mailings are campaign materials.² Specifically, a newsletter and other mass mailing are prohibited if (1) the item is a tangible item; (2) the item expressly advocates the qualification, passage, or defeat of a clearly identified measure, or unambiguously urges a particular result in an election; (3) public moneys are paid to distribute the item, or to prepare the item, for more than \$50, with the intent of sending the item; and (4) more than 200 substantially similar items are sent during the course of an election.³ This prohibition limits the public subsidy of political campaigns, which would grant an unfair advantage to governmental bodies that desire to use their vast resources in pursuit of favorable election results.

A mailer unambiguously urges a particular result in two ways: (1) when it clearly is campaign material or campaign activity, such as bumper stickers, billboards, door-to-door canvassing, posters, advertising "floats," or mass media advertising;⁴ or (2) when the style, tenor, and timing of the communication can be reasonably characterized as campaign material and not a

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations.

² Section 89001.

³ Regulation 18901.1, subd. (a).

⁴ Regulation 18901.1, subd. (c)(1).

fair presentation of facts serving only an informational purpose.⁵ Some factors to consider when assessing style, tenor, and timing include, but are not limited to whether the communication is (1) funded from a special appropriation related to the measure as opposed to a general appropriation; (2) consistent with the normal communication pattern for the agency; (3) consistent with the style of other communications issued by the agency; and (4) using inflammatory or argumentative language.⁶

Our investigation found that the mailers concerning Measure N did not contain express advocacy nor were they clearly campaign material. The mailers were funded by the City's general fund, not a special appropriation. Further, the mailers were generally informational and not argumentative, but instead moderate in tone. Given the above, the Enforcement Division cannot conclude the mailers in question violated the Act's prohibition against campaign mailers at public expense. Therefore, we are closing this matter with this advisory letter.

Although we are closing our file on this matter, please be advised of the provisions in the Act and regulations regarding campaign related mailings sent at public expense. Should you have any questions regarding this letter, please feel free to contact me at (916) 322-7771 or ryang@fppc.ca.gov.

Sincerely,

A black rectangular redaction box covering the signature of Ruth Yang.

Ruth Yang
Commission Counsel
Enforcement Division

⁵ Regulation 18901.1, subd. (c)(2).

⁶ Regulation 18901.1, subd. (e).